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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/176,077 10/20/98 GREEN

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TM02/0814

EXAMINER

BASHORE, W

ART UNIT

PAPER NUMBER

2176

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|---------------------------------------|---|
| Office Action Summary | Application No. 09/176,077 | Applicant(s) GREEN, Robert Arthur |
| | Examiner William L. Bashore | Art Unit 2176 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on May 23, 2001

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-41 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-41 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____

16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) Other: _____

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DETAILED ACTION

1. This action is responsive to communications: original application filed on 10/20/1998.
2. Claims 1-41 are pending in this case. Claims 1, 21, 25, 29, 33, and 39 are independent claims.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Web-Based File Review System Utilizing Source And Comment Files.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9-10, 12, 16-20, 33, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al (hereinafter Day), U.S. Patent No. 6,243,722 issued June 2001, in view of Merritt et al (hereinafter Merritt), U.S. Patent No. 6,041,335 issued March 2000.

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In regard to independent claim 1, Day teaches:

- a comment review system of storing and managing a set of comments associated with a source file

(Day Abstract, also column 9 lines 13-24; compare with claim 1 “*A file review system....with a source file, comprising*”).

- accepting data and displaying a source file as an HTML file (Day Figure 6 items 130, 134; compare with claim 1 “*means for accepting data from the source file....source file as a markup file,*”).

- creating a comment database of comments associated with said source file (Day column 9 lines 12-24; compare with claim 1 “*means for creating a comment file containing data....comments associated with the source file*”).

- input and acceptance of new comments via pop-up window into a comment database (Day Abstract, also Figure 8, and column 9 lines 12-24; compare with claim 1 “*means for accepting new comments for inclusion....to correspond to the complete set of comments*”).

- Day does not specifically teach generation of a hypertext document, said document including portions corresponding to associated comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments (Merritt Figure 3, also column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 1 “*means for generating a hypertext document from the markup file....the set of comments associated with the source file*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt’s taught advantage of including comments within a document, providing users of Day a way to inspect and comment upon previous comments made to a document.

- display of a reviewable hypertext document (Day Figure 6; compare with claim 1 “*means for communicating the hypertext document to a user for display.*”).

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In regard to dependent claim 9, Day teaches CGI (Day column 5 lines 49-54, 58-62; compare with claim 9).

In regard to dependent claim 10, Day teaches a solicited review button requiring user input at designated review points in a document, said comments stored in a comment database (Day column 7 lines 60-64, column 9 lines 12-24; compare with claim 10).

In regard to dependent claim 12, Day teaches a comment input box comprising various levels of comment importance “severity” (Day Figure 8 item 162, items Comment, Typo, Problem, and Issue; compare with claim 12).

In regard to dependent claim 16, Day does not specifically teach restricting to a specific set of users. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Day, because Day teaches a Receiver and Register button for a comment (Day Figure 8, under item 162; compare with claim 16), suggesting the registration of comments and users, and providing the advantage of user verification.

In regard to dependent claim 17, Day does not specifically teach restricting comments to a due date. However, Merritt teaches blinking notes associated with timer messages (Merritt Figure 13; compare with claim 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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apply Merritt to Day, because of Merritt's taught advantage of timed messages, providing a user of Day a length of time associated with a comment.

In regard to dependent claims 18, 19, 20, Day does not specifically teach user sequence order, or statistics. However, Merritt teaches sending a document to a list of users sequentially, utilizing a statistical routing list (Merritt Figure 6, column 5 lines 64-67, column 6 lines 1-17; compare with claims 18, 19, 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt's taught advantage of sequential commenting, providing a user of Day the capability of commenting upon other users comments, and of using routing statistics to map the path of a document.

In regard to independent claim 33, Day teaches:

- a comment review system of storing and managing a set of comments associated with a source file (Day Abstract, also column 9 lines 13-24; compare with claim 33 "*A method of storing and managing a set of comments....the method comprising the steps of*").
- accepting data and displaying a source file as an HTML file (Day Figure 6 items 130, 134; compare with claim 33 "*accepting data from the source file....source file as a markup file,*").
- creating a comment database of comments associated with said source file (Day column 9 lines 12-24; compare with claim 33 "*creating a comment file containing data....comments associated with the source file*").
- input and acceptance of new comments via pop-up window into a comment database (Day Abstract, also Figure 8, and column 9 lines 12-24; compare with claim 33 "*responding to user input to accept new comments for inclusion....to correspond to the complete set of comments*").

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- Day does not specifically teach generation of a hypertext document, said document including portions corresponding to associated comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments (Merritt Figure 3, also column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 33 "*responding to user input to dynamically generate a hypertext document from the markup file....the set of comments associated with the source file*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt's taught advantage of including comments within a document, providing users of Day a way to inspect and comment upon previous comments made to a document.

- display of a reviewable hypertext document (Day Figure 6; compare with claim 33 "*communicating the hypertext document to a user for display.*").

In regard to dependent claim 40, claim 40 reflects the computer program product comprising computer executable instructions for performing the methods as claimed in claim 33, and is rejected along the same rationale.

6. **Claims 2-8, 11, 13-15, 21-32, 34-38, 39, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day et al (hereinafter Day), U.S. Patent No. 6,243,722 issued June 2001, in view of Merritt et al (hereinafter Merritt), U.S. Patent No. 6,041,335 issued March 2000, and further in view of Tran, U.S. Patent No. 6,054,990 issued April 2000.**

In regard to dependent claim 2, Day does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 2). It would have been obvious to one of ordinary skill in the art at the time of the

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invention to apply Tran to Day, because of Tran's taught advantage of linked lists, providing a user of Day with a way to dynamically store files.

In regard to dependent claims 3, 4, 5, Day teaches a hypertext review button symbol, reflective of a comment insertion point (Day Figure 6 item 140, also column 7 lines 25-28; compare with claims 3, 4, 5).

In regard to dependent claim 6, Day teaches opening and closing of a pop-up window for comment insertion, said window opened via document review button (Day Figure 8; compare with claim 6).

In regard to dependent claims 7, 8, Day does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claims 7, 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Day, because of Tran's taught advantage of linked lists, providing a user of Day with a way to dynamically store and manipulate objects.

In regard to dependent claim 11, Day teaches a contents line identifier in the form of a review button on a line of document text (Day Figure 6 item 140; compare with claim 11).

In regard to dependent claims 13, 14, 15, Day teaches a comment review button on a source document, the activation of which results in the activation of a comment input window for input of a comment associated with a specific topic (Day Figures 6-8, column 7 lines 58-67; compare with claims 13, 14, 15).

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In regard to independent claim 21, Day teaches:

- a comment review system of storing and managing a set of comments associated with a source file

(Day Abstract, also column 9 lines 13-24; compare with claim 21 "*A web-based file review system....with one or more webs of source file, comprising*").

- accepting data and displaying a source file as an HTML file, the analyzation of which involves parsing (Day Figure 6 items 130, 134; compare with claim 21 "*a parser to parse....associated with one or more comments.*").

- Day does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 21 "*a linked list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Day, because of Tran's taught advantage of linked lists, providing a user of Day with a way to dynamically store files.

- creating a comment database of comments associated with said source file (Day column 9 lines 12-24; compare with claim 21 "*a set of comment files....updating the associated comment file*").

- input and acceptance of new comments via pop-up window into a comment database, said invention utilizing CGI (Day Abstract, also Figure 8, and column 9 lines 12-24, column 5 lines 50-55; compare with claim 21 "*common gateway interface program....reviewer-selected source file*", and "*common gateway interface program code means for generating a hypertext document....the reviewer-selected source files*").

- Day does not specifically teach generation of a hypertext document, said document including portions corresponding to associated comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments associated with positional icons (Merritt Figure 3, also column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 21 "*the hypertext document*

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including....comment display objects”, and “*the hypertext document selectively including....for accepting new comments*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt’s taught advantage of including comments within a document, providing users of Day a way to inspect and comment upon previous comments made to a document.

- hypertext links resulting in display of a comment input form (Day Figures 6-8; compare with claim 21 “*the hypertext document selectively....reviewer entry of comments*”).
- display of a reviewable hypertext document (Day Figure 6; compare with claim 21 “*means for communicating the hypertext document to a user for display.*”).

In regard to dependent claims 22, 23, 24, Day teaches a hypertext review button (requiring opening and closing tags) for opening/closing a comment window associated with a hypertext document (Day Figure 8). Day also teaches a hypertext document with various hypertext review buttons at various locations in said document, said document and buttons requiring the use of various tags for location placement, functions, and display types (Day Figure 6-8; compare with claims 22, 23, 24).

In regard to independent claim 25, Day teaches:

- a comment review system of storing and managing a set of comments associated with a source file (Day Abstract, also column 9 lines 13-24; compare with claim 25 “*a computer usable medium....in the article of manufacture, comprising*”).
- accepting data and displaying a source file as an HTML file, the analyzation of which involves parsing (Day Figure 6 items 130, 134; compare with claim 25 “*to parse a selected one of the set....associated with one or more comments.*”).

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- Day does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 25 "*a linked list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Day, because of Tran's taught advantage of linked lists, providing a user of Day with a way to dynamically store files.

- creating a comment database of comments associated with said source file (Day column 9 lines 12-24; compare with claim 21 "*a set of comment files....update the associated comment file*").

- input and acceptance of new comments via pop-up window into a comment database, said invention utilizing CGI (Day Abstract, also Figure 8, and column 9 lines 12-24, column 5 lines 50-55; compare with claim 25 "*generate a hypertext document from a markup file....reviewer-selected source file*").

- Day does not specifically teach generation of a hypertext document, said document including portions corresponding to associated comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments associated with positional icons (Merritt Figure 3, also column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 25 "*the hypertext document including....comment display objects*", and "*the hypertext document selectively including...for accepting new comments*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt's taught advantage of including comments within a document, providing users of Day a way to inspect and comment upon previous comments made to a document.

- hypertext links resulting in display of a comment input form (Day Figures 6-8; compare with claim 21 "*the hypertext document selectively....reviewer entry of comments*").

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- display of a reviewable hypertext document, as well as CGI (Day Figure 6 column 5 lines 50-54; compare with claim 25 "*common gateway interface*", and "*communicate the hypertext document to a user for display.*").

In regard to dependent claims 26, 27, 28, claims 26, 27, 28 reflect the article of manufacture comprising computer executable instructions for performing the methods of the system as claimed in claims 22, 23, 24, and are rejected along the same rationale.

In regard to independent claim 29, Day teaches:

- a comment review system of storing and managing a set of comments associated with a source file (Day Abstract, also column 9 lines 13-24; compare with claim 29 "*a computer usable medium....the computer program product having*").

- accepting data and displaying a source file as an HTML file, the analysis of which involves parsing (Day Figure 6 items 130, 134; compare with claim 29 "*to parse a selected one of the set....associated with one or more comments.*").

- Day does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 29 "*a linked list of objects*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Day, because of Tran's taught advantage of linked lists, providing a user of Day with a way to dynamically store files.

- creating a comment database of comments associated with said source file (Day column 9 lines 12-24; compare with claim 29 "*a set of comment files....update the associated comment file*").

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- input and acceptance of new comments via pop-up window into a comment database, said invention utilizing CGI (Day Abstract, also Figure 8, and column 9 lines 12-24, column 5 lines 50-55; compare with claim 29 "*generate a hypertext document from a markup file....reviewer-selected source file*").

- Day does not specifically teach generation of a hypertext document, said document including portions corresponding to associated comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments associated with positional icons (Merritt Figure 3, also column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 29 "*the hypertext document including....comment display objects*", and "*the hypertext document selectively including....for accepting new comments*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt's taught advantage of including comments within a document, providing users of Day a way to inspect and comment upon previous comments made to a document.

- hypertext links resulting in display of a comment input form (Day Figures 6-8; compare with claim 29 "*the hypertext document selectively....reviewer entry of comments*").

- display of a reviewable hypertext document, as well as CGI (Day Figure 6 column 5 lines 50-54; compare with claim 29 "*common gateway interface*", and "*communicate the hypertext document to a user for display*").

In regard to dependent claims 30, 31, 32, claims 30, 31, 32 reflect the computer program product comprising computer executable instructions for performing the methods of the system as claimed in claims 22, 23, 24, and are rejected along the same rationale.

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In regard to dependent claims 34, 35, 36, 37, 38, claims 34, 35, 36, 37, 38 incorporate substantially similar subject matter as claimed in claims 2, 3, 4, 5, 6, respectively, and are rejected along the same rationale.

In regard to independent claim 39, Day teaches:

- a comment review system of storing and managing a set of comments associated with a source file

(Day Abstract, also column 9 lines 13-24; compare with claim 39 “*A method of storing....comprising the steps of*”).

- accepting data and displaying a source file as an HTML file, the analyzation of which involves parsing (Day Figure 6 items 130, 134; compare with claim 39 “*parsing a selected one of the set....associated with one or more comments.*”).

- Day does not specifically teach representation of a source file as a linked list. However, Tran teaches insertion of annotation text into linked list objects (Tran column 15 lines 30-39; compare with claim 39 “*a linked list of objects*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Tran to Day, because of Tran’s taught advantage of linked lists, providing a user of Day with a way to dynamically store files.

- creating a comment database of comments associated with said source file (Day column 9 lines 12-24; compare with claim 29 “*a set of comment files....update the associated comment file*”).

- input and acceptance of new comments via pop-up window into a comment database, said invention utilizing CGI (Day Abstract; also Figure 8, and column 9 lines 12-24, column 5 lines 50-55; compare with claim 39 “*on review request....one of the set of source files*”, and “*dynamically generating a hypertext document from a markup file....reviewer-selected source file*”).

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- Day does not specifically teach generation of a hypertext document, said document including portions corresponding to associated comments. However, Merritt teaches a hypertext document passed to various users, said document also incorporating comments associated with positional icons (Merritt Figure 3, also column 5 lines 1-6, 64-67, column 6 lines 1-17; compare with claim 39 "*the hypertext document including...comment display objects*", and "*the hypertext document selectively including...for accepting new comments*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Merritt to Day, because of Merritt's taught advantage of including comments within a document, providing users of Day a way to inspect and comment upon previous comments made to a document.

- hypertext links resulting in display of a comment input form (Day Figures 6-8; compare with claim 39 "*the hypertext document selectively....reviewer entry of comments*", and "*hypertext links*").

- display of a reviewable hypertext document, as well as CGI (Day Figure 6 column 5 lines 50-54; compare with claim 39 "*common gateway interface*", and "*communicate the hypertext document to a user for display.*").

In regard to dependent claim 41, claim 41 reflects the computer program product comprising computer executable instructions for performing the methods as claimed in claim 39, and is rejected along the same rationale.

Conclusion

7. Prior art made of record and not relied upon is considered pertinent to disclosure.

| | | | |
|-----------------|---------------------------|--------|--------------|
| Hall | U.S. Patent No. 5,909,679 | issued | June 1999 |
| Mitchell et al. | U.S. Patent No. 5,963,966 | issued | October 1999 |
| van Hoff | U.S. Patent No. 5,822,539 | issued | October 1998 |

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Slein, J.A. et al., Requirements for distributed authoring and versioning on the World Wide Web, ACM StandardView, Volume 5, Issue 1, March 1997, pp. 17-24.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 305-9724 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
8/10/2001


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